RECENT IMPORTANT DECISIONS.

ATTORNEY AND CLIENT—EXEMPTION OF NON-RESIDENT ATTORNEY FROM SERVICE.—Where a non-resident plaintiff in an action pending in the United States Court for the Southern District of Iowa employed an attorney who resided in Illinois, the question was whether such attorney was exempt from service of process in a civil suit while in attendance on court and for a reasonable time thereafter. *Held,* that he was thus exempt. *Read* v. *Neff et al.* (1913) 207 Fed. 890.

At common law the rule was that an attorney while in attendance on court was exempt from arrest on civil process, but this exemption did not extend to the service of process which did not involve arrest. 3 BLACKSTONE, COMM. 289; *Greenleaf* v. *Peoples Bank,* 133 N. C. 298, 98 Am. St. Rep. 709, 63 L. R. A. 499. There are a few courts which have extended this exemption in the case of non-resident attorneys to the service of ordinary civil process. *Hoffman* v. *Bay Circuit Judge,* 113 Mich. 109; *Commonwealth* v. *Ronald,* 4 Call. (Va.) 97; *Whitman* v. *Sheets,* 20 O. C. C. 1, 11 O. C. D. 179. In *Central Trust Co.* v. *Milwaukee St. Ry. Co.,* 74 Fed. 442 it was held that a non-resident attorney was exempt from the service of a subpoena for witness duty. It is submitted that the cases which announce the contrary rule are more in accord with the theory upon which exemptions are founded. The courts have always maintained that exemptions were allowed because they were absolutely necessary in order that justice might not be impeded. It was for this reason that it was not permissible to arrest an attorney while engaged in court. On the other hand the service of ordinary civil process in no way prevents the attorney from performing his duties. It does not seem reasonable that one class of persons should be less amenable to the courts than other classes whose business within the state may be just as urgent and to whom freedom from suit in a foreign jurisdiction would be just as great a boon. For a full discussion of the subject see *Greenleaf* v. *Peoples Bank,* supra, Also *Tyrone Bank* v. *Doty,* 12 Pa. Co. Ct. 287; *Robbins* v. *Lincoln,* 27 Fed. 342.

AUTOMOBILES—RIGHT OF OWNER TO RECOVER FOR INJURY TO UNREGISTERED MACHINE.—In a suit to recover for the negligent injury to an automobile, the failure to have the machine registered was interposed as a defense. A statute made it unlawful for an unregistered automobile to be on the highway. *Held,* that failure to register is no defense. *Birmingham Ry., Lt. & Power Co.* v. *Aetna Acc. & L. Ins. Co.* (Ala. 1913) 64 So. 44.

The precise question is presented for the first time in this jurisdiction, although the court follows its earlier construction of a similar statute, making unlawful the presence of straying cattle on the highway. *A. G. S. R. R. Co.* v. *McAlpine,* 71 Ala. 545. The cases in the other states are in conflict. Those in accord with the instant case take the position that in order to bar recovery, the failure to register must have some causal connection with the injury. *Atlantic C. L. Ry.* v. *Weir,* 63 Fla. 69, 41 L. R. A. (N. S.) 307; *Lindsay* v.

Cecchi (Del.) 80 Atl. 523, 35 L. R. A. (N.S.) 699. The cases taking the opposite view hold that the occupants of the machine are trespassers, and can recover only when the injury is the result of recklessness or wantonness. *Dudley* v. *Northampton St. Ry. Co.*, 202 Mass. 443, 89 N. E. 25, 23 L. R. A. (N. S.) 561.

BANKRUPTCY—PREFERENCES—DUTY TO MAKE INQUIRY.—A partnership of which the bankrupt was a member was indebted to a bank in the sum of $19,117.99, secured by government bonds and personal property of the bankrupt amounting to $6,000. The bank refused to extend credit, and the bankrupt applied to the bank's president individually for a loan. A loan of $12,000 was given, and the bankrupt gave real estate as security. The proceeds of the mortgage were placed to the credit of the partnership and checked out to liquidate the partnership's debt to the bank. *Held*, that where a creditor of an insolvent takes security within four months prior to bankruptcy, he is bound to make inquiry as to whether a preference is intended, and is chargeable with knowledge of all that such inquiry, if made, would have disclosed. *Walters* v. *Zimmerman et al.*, (D. C. N. D. Ohio, 1913) 208 Fed. 62.

The rule as thus laid down is too broad, and is not applicable to the facts in the principal case. A mere suspicion of insolvency is not sufficient to put a creditor upon inquiry as to the insolvency of his debtor. *In re Eggert*, 102 Fed. 735; *Crooks* v. *People's Bank*, 72 N. Y. App. 331, 3 Am. B. R. 238. The creditor must have knowledge of such facts as would put a reasonable man on inquiry as to the solvency of his debtor. And where such inquiry, pursued to its legitimate conclusion, would disclose insolvency, such creditor has reasonable cause to believe his debtor insolvent. *Hackney* v. *Raymond*, 68 Neb. 624 10 Am. B. R. 213; *Bardes* v. *Bank*, 122 Ia. 443. On the whole, reasonable cause is a question of fact to be determined under all the circumstances of the case. *Crittenden* v. *Barton*, 59 App. Div. (N. Y.) 555, 5 Am. B. R. 775.

BANKRUPTCY—PROPERTY PASSING TO TRUSTEE—MEDICAL PRACTICE.—An order in bankruptcy had been made directing the trustees to sell (among other things) "the medical and surgical practice and good will of said bankrupt, together with the leasehold interest of said bankrupt in and to the office formerly occupied by Dr. S. Lewin, and now occupied by said bankrupt as a doctor's and surgeon's office." *Held*, that the personal medical and surgical practice and good will of a bankrupt as a physician, are not subject to sale by his trustee, although his property interest in a practice and good will purchased from another may be sold. *In re Myers*, (C. C. A. 7th Cir. 1913) 208 Fed. 407.

This is in accord with the previous decisions. All kinds of property of a bankrupt, save such as is exempt, pass to the trustee in bankruptcy, as do likewise certain powers and rights and documents. BANKRUPTCY ACT, § 70a. The test is, could the property have been transferred by or levied upon and sold under judicial process against the bankrupt? *In re Burka*, 104 Fed. 326. Thus uncompleted contracts for personal services, or for the exercise of skill, wherein personal trust and confidence are reposed, or reliance had upon special skill, do not pass to the trustee, for such property is not transferable nor can it be